

<b>Interview Summary</b>	<b>Application No.</b> 09/421,108	<b>Applicant(s)</b> HSU et al.	
	<b>Examiner</b> JAGDISH N PATEL	<b>Art Unit</b> 3624	

All participants (applicant, applicant's representative, PTO personnel):

(1) JAGDISH N PATEL.

Hans Hsu  
(3) \_\_\_\_\_ (Inventor)

(2) Michael J Shea (Reg. 34,725) (attorney).

(4) \_\_\_\_\_.

Date of Interview: 12 December 2003.

Type: a) ☐ Telephonic b) ☐ Video Conference  
c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: pending.

Identification of prior art discussed: Ucopia, Smutko, Kopetman.


Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
AU 3624  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

All Claims:

Various features recited in the pending claims presented and outlined in the attached summary of interview were discussed.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application for:

*HSU et al.*

Atty. Ref.: 4045-2

Serial No.: 09/421,108

Group Unit: 2164

Filed: October 19, 1999

Examiner: J. Patel

For: METHOD AND SYSTEM FOR UNIVERSAL GIFT REGISTRY

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**December 9, 2003**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUMMARY OUTLINE FOR INTERVIEW**

Sir:

Applicant provides the following summary outline for the interview scheduled for  
**Friday, December 12, 2003 at 11:00 AM.**

In connection with the rejections based on the combination of the Ucopia document and Smutko, the office action acknowledges on pages 7-8 that the Ucopia document does not disclose that the commitment of each giver that commits to make a monetary contribution is for any giver-desired portion of the uncommitted balance of the gift's purchase price as described in various claims. However, Smutko does not remedy this deficiency. For example, Smutko describes that buyers pay "set sum" toward the purchase and thus, like the Ucopia document, Smutko does not contemplate or provide the flexibility of having one buyer contribute \$75.00 toward a gift, while another

contributes \$125.00, and another \$80.00, etc. There is nothing in Smutko that would have suggested the modifications to Ucopia proposed in the office action to provide the claimed subject matter.

Applicants also believe the prior art does not show features of various other pending claims. By way of example, with respect to claims 204-206, 216, 217, 224, 225, 232, 233, 238 and 239, Applicant traverses the assertion in the office action that the features such as a recipient-specified price and the option of receiving cash if the total commitment is less than the gift price are "well-established business practices" that are "inherent" in the Ucopia document. There is no disclosure in the Ucopia document of the features of these claims and there is no evidence establishing that the Ucopia system must necessarily possess these features.

By way of further example, claim 202, 214, 222, 230 and 236 each calls for receiving commitments from the gift givers that include commitments which are contingent upon other gift givers making commitments such that the total of all commitments is equal to or greater than the price of the selected gift. The Kopetman article cited in the office action mentions a \$125,000 loan that was contingent upon receipt of other funds to "keep the Freedom Bowl afloat." A newspaper article mentioning a contingent loan for a football bowl game would have providing no teaching or suggestion for modifying the gift-giving arrangements described in the Ucopia document or in Smutko to provide the claimed subject matter.

By way of still further example, claims 203, 215, 223, 231 and 237 each calls for gift recipients to specify gift substitution options. The office action cites a newspaper article that mentions a shopper who made a list including substitute gifts for shopping on

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the day after Thanksgiving. The newspaper article would not have suggested modifying the gift-giving arrangements described in the Ucopia document or in Smutko. In addition, any gift substitutions in newspaper article are attributable to the gift giver, not the gift recipient as specified in the claims.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

A handwritten signature in cursive script, reading "Michael J. Shea", written over a horizontal line.

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